

Transportation Conformity Working Group Interagency Consultation Meeting Summary

**Tuesday, February 28, 2006
10:00 AM – 12:30 PM**

**Southern California Association of Governments
818 W 7th Street, 12th Floor
Los Angeles, CA 90017
Riverside 'A' Conference Room**

The following minutes are intended to summarize the matters discussed.
An audiocassette tape of the actual meeting is available for listening in SCAG's office.

1.0 CALL TO ORDER

The meeting was called to order at 10:10 AM by Jennifer Bergener, OCTA

2.0 WELCOME AND SELF-INTRODUCTIONS

ATTENDANCE:

In Person:

Naresh Amatya, SCAG
Rosemary Ayala, SCAG
Jennifer Bergner, OCTA
Herman Cheng, MTA
Garrett Damrath, CT ENV
Ashad Hamideh, LACMTA
Mona Jones, Metro
Jessica Kirchner, SCAG
Ron Kosinski, Caltrans
Philip Law, SCAG

Deng Bang Lee, SCAG
Betty Mann, SCAG
Laleh Modrek, Caltrans
Jonathan Nadler, SCAG
Tim Papandreou, LACMTA
Sylvia Patsaouras, SCAG
Arnie Sherwood, ITS/UCB
Carla Walecka, TCA
Dianna Watson, Caltrans
Larry Wesemann, Parsons (Omnitrans)
Leann Williams, Caltrans District 07

Via Teleconference:

Mike Brady, Caltrans Headquarters
Paul Fagan, Caltrans District 08
Ilene Gallo, Caltrans Headquarters
Carol Gomez, SCAQMD
Kathryn Higgins, SCAQMD
Sandy Johnson, Caltrans District 11
Jean Mazur, FHWA
Karina O'Connor, EPA Region 9
Eyvonne Sells, SCAQMD
Dennis Wade, ARB

2.0 PUBLIC COMMENT PERIOD

There were no public comments at this meeting.

4.0 CHAIR'S REPORT

Chair Bergener reported on the Statewide Conformity Meeting.

5.0 ACTION ITEMS

5.1 Approval of the January 24, 2006 Meeting Summary

Jean Mazur, FHWA, stated that item 6.3, SAFETEA-LU, where she was quoted needed clarification. Ms. Mazur asked that the meeting minutes reflect that the only flexibility, which is not written into the guidance, is that an MPO could adopt a new SAFETEA-LU compliant TIP after July 1, 2007, even if the RTP is not SAFETEA-LU compliant. For example, if an MPO did not have to update their RTP until spring of 2008, they could adopt a SAFETEA-LU compliant TIP in the fall of 2007. Ms. Mazur stated that she would e-mail the clarification to Jessica Kirchner, SCAG staff so it could be added to the January minutes.

Arnie Sherwood, ITS/UCB, stated SCAG would still have to comply with SAFETEA-LU planning provisions starting July 1, 2007 and would not be able to make major amendments to the plan or RTIP. Ms. Mazur then stated that she was clarifying that her point was not a grace period issue but a planning issue.

MOTION was then made to ACCEPT the Meeting Summary as AMENDED.

6.0 INFORMATION ITEMS

6.1 FHWA Criteria for NEPA Approval (Jean Mazur, FHWA)

Jean Mazur, FHWA, responded to the questions that were submitted to her draft notes that she had put together from RTIP meeting in December.

- What has to be in the RTIP in order for a project to obtain NEPA approval?

The project should be listed in the TIP. It has to be appropriately modeled for conformity. The design, concept, and scope of the preferred alternative should be consistent with that model for the regional emissions analysis. The project schedule between the NEPA document, the programming, the TIP, and the regional emissions analysis should all be consistent. If the project schedule is such that there is no funding programmed in the TIP cycle then it doesn't necessarily have to be there. In a case where a project had been previously authorized for PE in a prior TIP but is not yet in the right-of-way or construction phase is in the current TIP, the TIP should identify the prior funding for the project.

- If only PE is programmed in the RTIP as an exempt phase, does the project have to be modeled for right-of-way and construction authorization?

The assumption here would be that the project is in an exempt phase because the overall project does not have ROW and construction in the RTIP. If that is the case, the regional emissions analysis would have to be revised, potentially through an RTP amendment to be sure the project is in the RTP, the TIP, appropriately modeled, and the schedule is consistent.

- Do the project descriptions in the RTP, RTIP, and Preferred Alternative have to be exactly the same?

The project descriptions need to be as close as possible. The major concern is a change in design, concept, and scope. The preferred alternative should be consistent with what was modeled.

- Do project sponsors need to bring every project to the conformity working group in order to assess what changes need to be made to the modeling?

There is no definition in the inter-agency consultation procedures about what is a significant change in design, concept and scope. We would have to bring a project to the TCWG to talk about whether changes need to be made to the modeling,

- Projects that use local funds for PA&D and PS&E what is FHWA's expectation to maintain eligibility for federal funding for right-of-way construction?

Even if you are using local funds for the project in earlier phases, FHWA still considers it a federal project. It would have to be programmed in the same manner that a federal project would have to be programmed.

Ms. Mazur then asked if there were any outstanding questions from the committee.

Herman Cheng, MTA, asked FHWA to provide more information on what is meant by PE phase, exempt and non exempt and asked FHWA to put the information discussed at the meeting in writing to refer back to in the future. Rosemary Ayala, SCAG, added that TIP staff will meet with FHWA to discuss how PE and other categories are reflected in the TIP.

a. Omnitrans Transit Corridor (Larry Wesemann, Parsons)

Larry Wesemann of Parsons gave a presentation on the proposed E-Street Corridor Bus Rapid Transit (BRT) in San Bernardino County. Omnitrans has selected the locally preferred alternative and anticipates starting the NEPA process soon. Mr. Wesemann indicated that the project is not in the 2004 RTP and that Omnitrans would like to move ahead with the PE phase of the project but needs to add the project to the RTP (possibly through an amendment) before they can start the PE phase. Mr. Wesemann stated Omnitrans would like to add the project into the TIP for PE only and to start the NEPA process concurrently. Mr. Wesemann indicated Omnitrans anticipates completing the NEPA process at the end of 2007. Philip Law asked Ted Matley, FTA, if the project can move forward into the preliminary engineering/environmental phase while it is not in the RTP. Mr. Matley indicated that it would be acceptable to put the project in the TIP for PE only, but it could not be put in the TIP for construction.

b. I-5 Corridor (Ron Kosinski, Caltrans)

Jean Mazur requested the I-5 issue be discussed first. Ron Kosinski described the current situation of the I-5 corridor between the Orange County line and the I-605. The facility is currently six lanes, to the south of the corridor is a 10 lane facility and to the north is an 8 lane facility. The corridor is currently described in the 2004 RTP as a 10 lane segment with one additional car pool lane and mixed flow lane. The NEPA document will also include a 12 lane alternative. The document will be circulated in March. Mr. Kosinski asked the TCWG to provide guidance in the event that the 12 lane facility is the preferred alternative. Naresh Amatya, SCAG, indicated that the time frame for the next RTP might make it unnecessary to do an RTP amendment for the project.

6.2 RTP Update (Naresh Amatya, SCAG)

Naresh Amatya, SCAG, indicated that SCAG is currently considering updating the RTP at the end of 2007, instead of either April 2007 or 2008. He also indicated that SCAG is working on thresholds for TIP amendments during the year between 2007 and 2008. Mr. Amatya further explained that conformity on the existing plan does not lapse until June 2008, however during that year there are serious restrictions on how the plan and TIP can be amended. Arnie Sherwood, ITS/UCB further stated that in July 2007 the planning provision of SAFETEA-LU take effect and amendments will not be allowed, making this a planning issue, rather than a conformity issue.

Jean Mazur, FHWA, asked when SCAG will send out the letter on thresholds. Rosemary Ayala, SCAG, indicated that the letter would be finalized in the next week. Ms. Mazur stated FHWA is working on a draft response to the letter SCAG sent, but expressed concern based on what was said at the meeting today that SCAG's stance is inconsistent. Mr. Amatya indicated that SCAG's preference is to be able to fully implement the TIP by processing plan and TIP amendments after July 2007. Ms. Ayala also stated that SCAG is unsure whether the thresholds will be accepted by FHWA headquarters, but nonetheless SCAG is moving forward with developing them.

Carla Walecka asked about the status of the RTP Amendment. Jean Mazur indicated that FHWA cannot act on the amendment until the EPA Administrator provides written concurrence on the substitution. She indicated that the process will likely take three to four months based on conversations with Karina O'Connor. Chair Bergener indicated that the three to four month timeline could impact the "use it or lose it" provisions associated with the project and asked if there is any way to expedite the process. Jean Mazur deferred to EPA on that issue. Ms. Mazur suggested that Orange County clarify the timeline to EPA.

6.3 RTIP Update (Rosemary Ayala, SCAG)

Rosemary Ayala, SCAG, gave a RTIP update. She indicated that Amendments 17 and 19 are awaiting state and federal approval. SCAG is working with those agencies on the approval process. Amendment 21 was recently posted. She also indicated that staff is working on the 2006 RTIP and is currently working on developing modeling and updates to the RTP model.

6.4 2007 AQMP Update (SCAQMD)

Kathryn Higgins, AQMD, gave a brief update on the AQMP. Ms. Higgins stated that last week AQMD met with ARB to discuss potential control strategies for the AQMP. Also ARB and AQMD are holding weekly modeling meetings. She indicated that AQMD is waiting for emission factor input to develop inventories and growth emission inputs for both the future and baseline emission inventories from SCAG. Ms. Higgins also stated the Advisory meetings are currently on hold, but that the overall schedule will be the same with the draft being released late summer 2006 and the final in February 2007. Jean Mazur asked if the growth projections from SCAG for the AQMP and SIP include COMPASS assumptions. Jonathan Nadler indicated that they do.

6.5 Reauthorization Guidance (FHWA)

Ms. Mazur asked if there were any questions on the reauthorization guidance. Chair Bergner asked a question about the delegation of EPA concurrence. Ms. Mazur indicated that her understanding from Karina O'Connor was that the delegation would happen within a year. Ashad Hamideh, MTA, asked about which provisions apply to the SCAG region. Rosemary stated that if on July 1, 2007 if there is not a plan and TIP in compliance with SAFETEA-LU only administrative amendments can be processed. Herman Cheng, MTA, asked if during that time the region is considered out of

conformity, SCAG staff stated that time is not considered out of conformity. Ms. Mazur stated that group members could email questions as they come up.

6.6 Information Sharing (Group Discussion)

Ms. Kirchner invited group members to stay after the meeting to discuss the approach for TCMs in the next SIP.

Carla Walecka asked when the PM_{2.5} guidance would come out. EPA stated that the rule was signed but there are some technical issues between EPA and OMB, therefore the rule has not yet been published. Chair Bergener requested that Jean send questions that might be of interest to Jessica to send out to the group.

7.0 TCM Input

Ms. Kirchner described the current “rollover” process for inclusion of TCMs into the SIP. She indicated that the new process being discussed internally is to include TCMs in the SIP rather than in the TIP. Through this process there would be a fixed list of TCMs included in the SIP that would be updated as the SIP is updated approximately every three years. For example, there would be a fixed list in the 2007 AQMP that would also include a list of potential TCMs, that is those TCMs with funding in the out years that do not yet meet the requirements of a TCM (i.e., they do not have funding for ROW or construction in the first two years of the TIP).

Mr. Nadler stated the hope is to alleviate some of the tracking issues currently associated with timely implementation. He stated that for example in the 2006, those TCMs would be the project list for the 2007 SIP. The SIP could also include a list of “potential TCMs” that could be added into the SIP in the next update. New projects would not be added between SIP updates. This would limit TCMs to those in the RTIP (those committed in the first two years) until there is a new SIP.

Ms. Kirchner stated that this list of potential TCMs would be the same as what is currently called “uncommitted TCMs” that is - those projects with funding for ROW or construction in years three through six of the TIP.

Mr. Sherwood stated that if the 2006 TIP is the basis for the 2007 SIP then the difference in 2008 would be the projects in 2008 TIP. The TCM like projects would fall into three categories, the ones that were already TCMs in 2006, those that now get funding (they were listed in 2006 but were not committed yet) and now there are new projects that were not in the 2006 at all but are TCM like.

Mr. Nadler reiterated that projects would not be added through the TIP, they would only be updated through the SIP. He also stated that those projects in the third year would also be available for substitutions.

Ms. Walecka asked if funding does not materialize for a project that is listed as a “potential TCM” would there be repercussions. SCAG responded that there would not be any repercussions in that instance. There would be no emission credit taken until that project advanced into a TCM in the SIP. Herman Cheng suggested that SCAG update its database to include all the information that is necessary from the CTCs (ie, committed, etc). Ms. Walecka asked if a new project comes online between cycles could the project sponsor go ahead and build it without including it in the SIP. Ms. Kirchner stated the project could be amended into the SIP or the project sponsor could wait until the next update to include it.

Mr. Sherwood stated that the proposed process would not change the way commissions report their data. He also stated that EPA has a process to amend a TCM into the SIP during a conformity lapse. Ms. Walecka asked if the list would include is detailed listings rather than groupings of projects. Mr. Sherwood stated that that is another topic that SCAG is exploring in order to make the list of TCMs more manageable.

The group discussed how to deal with projects with a 2010 implementation date that may be off schedule. SCAG staff stated that as the 2010 deadline for the 1-hour ozone standard nears project sponsors and CTCs need to carefully consider the commitments they make regarding their TCMs.

Ms. Walecka asked if the process being proposed has been used in another region. Mr. Nadler stated that there are no other areas that have the rollover currently used by SCAG.

Mr. Hamideh asked about the SAFETEA-LU process and how it will affect TCMs in the SCAG region. Mr. Sherwood stated the primary change is that EPA concurrence will slow down the substitution process for the region.

Ms. Patsaouras stated that this proposed process is not intended to respond to SCAG concerns about monitoring but rather is intended to respond to the federal agencies and the air district's concerns over monitoring of TCMs. Mr. Nadler stated that all of the agencies, the CTCs and the project sponsors need to do a better job of working together to facilitate the process and communicate with each other.

Ms. Walecka asked about next steps and if there would be a write up. Ms. Kirchner stated SCAG would write something up for the next meeting to share with the group. Herman Cheng suggested that SCAG have a workshop with all the project sponsors to explain the benefits and impacts of TCMs. Ms. Walecka suggested that SCAG consider terminology that is used to describe TCMs and potential TCMs. Herman Cheng stated that the way TCMs are described can cause confusion and SCAG should think about the terminology that used to describe these projects.

Ms. Walecka asked how many projects are currently listed as TCMs in the TIP; Ms. Kirchner stated there are 300 TCMs currently listed in the TIP.

Jean Mazur stated she does not see a major difference between the proposed process and the current process because at some point the decision would have to be made as to whether the "potential TCMs" become committed TCMs or if they do not receive funding what happens to them. This would still require some updating. She also expressed concern as to the schedule of the SIP. Mr. Nadler stated the SIP has historically been updated every three years. Ms. Mazur asked if there are typically a lot of new projects and Mr. Sherwood responded that the region has had approximately 300 TCMs at any given time, meaning that TCMs are added about as frequently as they are being completed.

Ms. Mazur stated that SCAG could do a TCM addition with each TIP instead of including a list of "potential TCMs" in the SIP to create a one time list at the time of RTIP adoption.

End of meeting.

8.0 ADJOURNMENT

The meeting adjourned at 12:30 PM The next meeting of the TCWG will be on Tuesday, March 28, 2006 at SCAG.